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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,060	04/19/2000	Peter J. Lange	10991401-1	3358

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EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

2672

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/552,060

Applicant(s)

LANGE ET AL.

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (6,310,601) in view of Harter et al (6,212,564).

Regarding claim 6, Moore discloses (Figs. 1-5) a method and system for displaying an image embedded in a web page, comprising the steps of: determining the current resolution of the display (col. 5, lines 38-47); determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Moore fails to disclose the embedded program configured to determine the current display resolution for a display used to display the web page.

However, Harter et al teach an embedded program (Java applet) configured to determine the current display resolution. See column 3, lines 3-11.

Since Moore mentions the using of JAVA program in his Web browser to enhance the image size directives (column 7, lines 11-15), it would have been obvious to a person of ordinary skill in the art to use the embedded JAVA program in the web page, as taught by Harter et al, to provide the web page system of Moore with a server, which can manage the distribution of applets to clients matching the capabilities of the

Art Unit: 2672

browser, the Java runtime environment, the screen resolution, color depth, sound capabilities, and other system capabilities that the designer desires to optimize the application for.

Furthermore, it is conventional in the art that Java applet can be embedded into the HTML page for reading the current settings of a display driver, such as the display resolution and size of an image to be displayed, etc. (Applicant's specification, page 1, lines 18-24).

Regarding claim 7, since Harter et al mentions the determination of the display screen resolution, it is obvious that the physical size of the display can also be determined since the resolution of the display is directly proportional to the physical size of the display.

Regarding claim 8, Moore discloses the steps of: determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Regarding claim 1, Moore discloses (Figs. 1-5) a method and system for displaying an image embedded in a web page, comprising the steps of: determining the current resolution of the display (col. 5, lines 38-47); determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Moore fails to disclose the embedded program configured to determine the current display resolution for a display used to display the web page.

However, Harter et al teach an embedded program (Java applet) configured to determine the current display resolution. See column 3, lines 3-11.

Art Unit: 2672

Since Moore mentions the using of JAVA program in his Web browser to enhance the image size directives (column 7, lines 11-15), it would have been obvious to a person of ordinary skill in the art to use the embedded JAVA program in the web page, as taught by Harter et al, to provide the web page system of Moore with a server, which can manage the distribution of applets to clients matching the capabilities of the browser, the Java runtime environment, the screen resolution, color depth, sound capabilities, and other system capabilities that the designer desires to optimize the application for.

Furthermore, it is conventional in the art that Java applet can be embedded into the HTML page for reading the current settings of a display driver, such as the display resolution and size of an image to be displayed, etc.

### ***Conclusion***

3. Applicant's arguments with respect to claims 1 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

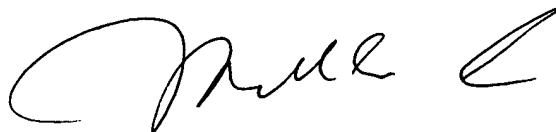
Art Unit: 2672

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



M. Luu  
January 17, 2003

**MATTHEW LUU**  
**PRIMARY EXAMINER**